

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK  
POUGHKEEPSIE DIVISION

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IN RE:

CARRIE SHU-CHUEN KONG,

**CHAPTER 7**  
**CASE NO. 23-35211 (CGM)**

Debtor(s).

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**ORDER FINDING A VIOLATION OF THE AUTOMATIC STAY PROVIDED  
BY 11 U.S.C. §362(a) AND AWARDING DEBTOR'S ATTORNEYS' FEES, COSTS AND  
DISBURSEMENTS, AND PUNITIVE DAMAGES PURSUANT TO 11 U.S.C. §362(k)**

The attorneys for the Debtor in the above-referenced case, GENOVA, MALIN & TRIER, LLP, having moved this Court for an Order pursuant to 11 U.S.C. §362(a), finding that NOZOMI TOKIWA violated the automatic stay by commencing litigation against the Debtor post-petition and continuing attempts to collect pre-petition sums due pursuant to 11 U.S.C. §362(k) as set forth in the Affirmation of MICHELLE L. TRIER, ESQ., affirmed on April 8, 2024; and upon reading and filing the Notice of said Motion, dated April 8, 2024, and the reading and filing of the Opposition and Cross-Motion filed by NOZOMI TOKIWA on May 7, 2024; and after hearing MICHELLE L. TRIER, ESQ., in support of the motion on May 14, 2024; and after hearing MICHAEL CURRAN, ESQ., in opposition to the motion; and due deliberation having been had thereon,

**NOW**, on motion of GENOVA, MALIN & TRIER, LLP, attorneys for the Debtor, pursuant to 11 U.S.C. §§362(a) and 362(k), it is

**ORDERED**, that NOZOMI TOKIWA willfully violated the automatic stay provided under 11 U.S.C. §362(a); and it is further

**ORDERED**, that the Debtor is hereby awarded the total sum of TWO THOUSAND ONE HUNDRED TWENTY-SIX DOLLARS AND SEVENTY-TWO CENTS (\$2,126.72),

representing the attorneys' fees and the costs and disbursements incurred in the filing of the contempt motion against NOZOMI TOKIWA, and that the Debtor has a judgment therefor; and it is further

**ORDERED**, that the Debtor is hereby awarded the sum of ONE THOUSAND DOLLARS (\$1,000.00) in punitive damages, and that the Debtor has a judgment therefor; and it is further

**ORDERED**, that NOZOMI TOKIWA pay the sums awarded herein within ten (10) business days of the entry of this Order made payable to the firm of GENOVA, MALIN & TRIER, LLP; and it is further

**ORDERED**, that NOZOMI TOKIWA's cross-motion as Opposition to the Debtor's Motion for Sanctions and to reinstate claim against the Debtor, filed on May 7, 2024, is hereby denied.

**Dated: May 15, 2024  
Poughkeepsie, New York**



/s/ **Cecelia G. Morris**

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**Hon. Cecelia G. Morris  
U.S. Bankruptcy Judge**